

**REMARKS**

Please reconsider this application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 7-16 are pending in the referenced application. Claims 7, 10, 13, and 16 are independent. The remaining claims depend, directly or indirectly, from independent claims 7, 10, and 13.

**Rejection under 35 U.S.C. § 103**

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See*, MPEP § 2143.

In particular, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A). Applicants assert that the prior art, whether viewed separately or in combination, fails to disclose or render obvious all the limitations of the pending independent claims.

Claims 7-16 stand rejected under 35 U.S.C. § 103 over U.S. Patent No. 4,682,285 (“Ozil”) and U.S. Patent No. 5,515,440 (“Mooney”). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

Independent claim 7 requires, in part, a protected device constituted by a microprocessor card. *See, e.g.*, published application: paragraph [0052] and element 21 of Figure 2.

Turning to the rejection, the Examiner relies upon Ozil to disclose the aforementioned limitation of a protected device constituted by a microprocessor card. *See* page 2 item 4 of the Office Action. Ozil is directed to a coupling system for purposes of managing information exchanges between several processing systems and at least one peripheral unit. *See* Ozil: column 1 lines 7-23; and Ozil diagram. Specifically, the coupling system (*i.e.*, Ozil diagram: element 1), which is effectively tasked with coordinating the common peripheral unit (*i.e.*, Ozil diagram: element 6) with one or more processing systems (*i.e.*, Ozil diagram: elements 4 and 5), makes use of a microprocessor (*i.e.*, Ozil diagram: element 22) affixed to a local bus (*i.e.*, Ozil diagram: element 17). *See* Ozil: column 2 line 64 – column 3 line 9. Further, the microprocessor is used to perform control means to manage the priorities of access requests from processors and processing systems across various information exchange buses. *See* Ozil: column 2 line 64 – column 3 line 4; column 3 lines 22-48.

In view of the rejection and the cited prior art, Applicant respectfully asserts that the coupling system and microprocessor features disclosed by Ozil cannot be properly construed by the Examiner to disclose or render obvious the recited limitation of a protected device. As discussed, Ozil is largely directed to facilitating the exchange of information among a system of linked resources. *See* Ozil: column 1 lines 7-23. Accordingly, Ozil at best discloses features designed to manage the priorities of access requests from its processors to its common peripheral device. *See* Ozil: column 2 line 64 - column 3 line 48. Further, and most importantly,

authentication is not even a contemplated feature in the invention disclosed by Ozil. Ozil appears only to contemplate the ways in which information may be exchanged rather than how information may be secured or how the sender of information may be authenticated by a recipient. For at least these reasons, Ozil cannot be properly construed to disclose or render obvious a protected device of any kind.

Further, Applicant respectfully asserts that Ozil does not disclose or render obvious a protected device constituted by a microprocessor card. Rather, as discussed, Ozil merely discloses a microprocessor affixed to a local bus. *See* Ozil: column 2 line 64 – column 3 line 9. Applicant respectfully asserts that a microprocessor card and a microprocessor affixed to a local bus in a system are not equivalent features. Nor would it be obvious for a microprocessor affixed to a local bus to be substituted in place of a microprocessor card by one skilled in the art. The use of a microprocessor card in a system serves in part to provide a secured means for storing and processing information in a manner such that the information will be secured from tampering. *See* paragraphs [0019] and [0020] of the published application. In contrast, the microprocessor disclosed by Ozil merely acts to coordinate a number of processors with a common peripheral device. Further, Ozil does not even contemplate any security features for its coupling system. For at least these reasons, Applicants respectfully assert that one skilled in the art would not have been motivated to introduce the independent and secure storage and processing benefits of a microprocessor card in the context of the coupling system disclosed by Ozil. As such, Applicant respectfully asserts that Ozil does not disclose or render obvious the limitation of a protected device constituted by a microprocessor card.

Returning to the rejection, Applicant further asserts that Mooney fails to provide or otherwise render obvious that which Ozil lacks. Specifically, Mooney is directed toward protecting a computer system from unauthorized use through a card reader interface. *See*

Mooney: column 2 lines 2-8. As such, a user is not permitted to use the peripheral resources of a computer system until the user has submitted to an authentication challenge that is facilitated by a smart card interface operatively connected to the computer system. See *id.* Accordingly, Applicant respectfully asserts that Mooney cannot be properly construed to disclose or render obvious a protected device constituted by a microprocessor card. Rather, at best, Mooney discloses a protected device (*i.e.*, the computer system) that is actually separate from the microprocessor card (*i.e.*, smart card). See *id.*; and Mooney: Fig. 2 (element 113 is separate from element 103 and the contents found therein element 103). For at least this reason, Mooney cannot be properly construed to disclose or render obvious the limitation of a protected device constituted by a microprocessor card.

In view of the arguments presented above, independent claim 7 is patentable over Ozil and Mooney. Further, independent claims 10, 13, and 16 include at least the same patentable limitations as independent claim 7 and are therefore patentable over Ozil and Mooney for at least the same reasons discussed above with respect to independent claim 7. Dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0591, under Order No. 09669/009002 from which the undersigned is authorized to draw. Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Dated: May 13, 2009

Respectfully submitted,

By /Jonathan P. Osha/  
Jonathan P. Osha  
Registration No.: 33,986  
OSHA · LIANG LLP  
909 Fannin Street, Suite 3500  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant